

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING**

DIANA MEY, individually and on behalf of a Class of all persons and entities similarly situated,

Plaintiff,

V.

GOT WARRANTY, INC., N.C.W.C., INC.,
PALMER ADMINISTRATIVE SERVICES,
INC.,

Defendants.

Civil Action No. 5:15-CV-101-JPB

**MOTION TO DISMISS PURSUANT TO RULE 12(b)(1) OR IN THE
ALTERNATIVE, TO STAY PENDING SUPREME COURT REVIEW**

Defendants N.C.W.C., Inc., and Palmer Administrative Services, Inc. (“Defendants”), by and through their undersigned counsel, pursuant to Federal Rule of Civil Procedure 12(b)(1), respectfully move this Court to dismiss Plaintiff’s claims for lack of subject matter jurisdiction. Alternatively, the Defendants move this Court to stay these proceedings pending publication of the Supreme Court’s decision in *Spokeo, Inc. v. Robbins*. The bases and legal authority in support of this Motion are set forth in the Memorandum of Law being filed contemporaneously herewith.

WHEREFORE, Defendants respectfully request the Motion be GRANTED.

Respectfully submitted this 12th day of February, 2016.

N.C.W.C., INC. AND PALMER
ADMINISTRATIVE SERVICES, INC.

By Counsel:

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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2016, I filed the foregoing “Motion to Dismiss Pursuant to Rule 12(b)(1) or in the Alternative, to Stay Pending Supreme Court Review” with the Clerk of the Court using the CM/ECF system, which will send electronic notification of said filing to counsel of record as listed below:

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